

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JACQUES DESROSIERS and
YOLETTE L. DESROSIERS,

Plaintiff,

v.

SIG SAUER, INC.,

Defendant

C.A. NO. 1:22-CV-11674-PBS

**AFFIDAVIT OF ERIC R. FINKELMAN IN SUPPORT OF DEFENDANT SIG SAUER,
INC'S MOTION FOR THE COURT TO SEAL EXHIBIT 320 AND RELATED
TESTIMONY**

I, Eric R. Finkelman, hereby swear under the pains and penalties of perjury that the following is true and correct to the best of my knowledge and belief.

1. I am Assistant General Counsel for Litigation at Sig Sauer Inc.
2. In this role, I am familiar with Sig Sauer's business operations and documents.
3. Exhibit 320 is a Failure Modes, Effects, and Criticality Analysis (FMECA) that was prepared for and submitted to the Army as a contractually required deliverable under the MHS contract.
4. Exhibit 320 identifies potential failures in all pistol platforms, analyzes the risks of those failures, and details the design decisions taken by Sig Sauer's engineering team to mitigate or eliminate those risks.
5. Exhibit 320 and the engineering decisions made therein were specific to the Army MHS contract.
6. The engineering details and decisions regarding how to minimize or eliminate potential causes of failure give Sig Sauer a competitive advantage over its competition and trade secrets that would be highly prejudicial to Sig Sauer if exposed to the public.

7. Exhibit 320 is subject to DoDI 5230.24 Distribution statement D.

8. Since its creation, Sig Sauer has designated Exhibit 320 as containing confidential information and sought to restrict its release as much as possible in accordance with required laws, rules, regulations, and Court Orders.

9. Mr. Thomas Vass is an Army representative and Sig Sauer's primary point of contact regarding the MHS contract.

10. The emails attached as Exhibit A to this affidavit are true and accurate correspondence between Mr. Vass and me regarding the Army's position with respect to the distribution of Exhibit 320.

Signed this 27th day of July 2025 under the pains and penalties of perjury.



Eric R. Finkelman
Assistant General Counsel, Litigation

I declare under penalty of perjury that the foregoing is true and correct, and respectfully submit this affidavit in support of the motion to seal, recognizing the sensitive nature of the information contained within Exhibit 320 and the significant measures Sig Sauer has undertaken to preserve its confidentiality, as well as to comply with all applicable legal and contractual obligations.

AFFIDAVIT OF ERIC R. FINKELMAN
EXHIBIT A

From: Vass, Thomas CIV USARMY PEO SOLDIER (USA) <thomas.vass.civ@army.mil>
Sent: Monday, July 21, 2025 10:33 AM
To: Eric Finkelman <Eric.Finkelman@sigsauer.com>; James Lano <James.Lano@sigsauer.com>
Cc: Katelyn Wilson <Katelyn.Wilson@sigsauer.com>; Keith Gibson <keith.gibson@littletonjoyce.com>; Gulliver, Colleen Carey <colleen.gulliver@us.dlapiper.com>; Kelso, Bryan V LTC USARMY PEO SOLDIER (USA) <bryan.v.kelso.mil@army.mil>; Bielamowicz, Cheryl M CIV USARMY PEO SOLDIER (USA) <cheryl.m.bielamowicz.civ@army.mil>; Fiorellini, Arthur J CIV USARMY PEO SOLDIER (USA) <arthur.j.fiorellini.civ@army.mil>; Siegle, David K CIV USARMY DEVCOM AC (USA) <david.k.siegle.civ@army.mil>; Nix, Casey P CIV USARMY DEVCOM AC (USA) <casey.p.nix.civ@army.mil>; Moraga, Sergio F CIV USARMY ACC (USA) <sergio.f.moraga.civ@army.mil>; Sloan, Megan E CIV USARMY ACC (USA) <megan.e.sloan2.civ@army.mil>; Larson, Sara M CIV USARMY DEVCOM AC (USA) <sara.m.larson6.civ@army.mil>; Pintsch, M V (Matt) CIV USARMY DEVCOM AC (USA) <matas.v.pintsch.civ@army.mil>; Asay, Wesley C CIV USARMY DEVCOM AC (USA) <wesley.c.asay.civ@army.mil>; Cline, Andrew H CIV USARMY PEO SOLDIER (USA) <andrew.h.cline.civ@army.mil>
Subject: RE: W15QKN-17-D-0016, Modular Handgun System, Request to Release Approved Engineering Change Proposals (ECP's)

[External Message]

Good Morning Eric,

The Army position would be to oppose the distribution to the public of the FMECA document as it potentially reveals critical information about the handgun (design, reliability, performance, etc.).

Hope this helps and let me know if you have any additional questions.

Thanks,
Thomas Vass
APM - PM Soldier Weapons
Picatinny, NJ 07806-5000
Comm: (520) 725-9585
Cell: (862) 251-0805

From: Eric Finkelman <Eric.Finkelman@sigsauer.com>
Sent: Friday, July 18, 2025 8:31 AM
To: Vass, Thomas CIV USARMY PEO SOLDIER (USA) <thomas.vass.civ@army.mil>; James Lano <James.Lano@sigsauer.com>
Cc: Katelyn Wilson <Katelyn.Wilson@sigsauer.com>; Keith Gibson <keith.gibson@littletonjoyce.com>; Gulliver, Colleen Carey <colleen.gulliver@us.dlapiper.com>; Kelso, Bryan V LTC USARMY PEO SOLDIER (USA) <bryan.v.kelso.mil@army.mil>; Bielamowicz, Cheryl M CIV USARMY PEO SOLDIER (USA)

<cheryl.m.bielamowicz.civ@army.mil>

Subject: Re: W15QKN-17-D-0016, Modular Handgun System, Request to Release Approved Engineering Change Proposals (ECP's)

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Good morning, Thomas. Monday, July 21 would be great. Thank you, and have a great weekend!

Best regards,
Eric

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From: Vass, Thomas CIV USARMY PEO SOLDIER (USA)

<thomas.vass.civ@army.mil>

Sent: Friday, July 18, 2025 7:38 AM

To: Eric Finkelman <Eric.Finkelman@sigsauer.com>; James Lano <James.Lano@sigsauer.com>

Cc: Katelyn Wilson <Katelyn.Wilson@sigsauer.com>; Keith Gibson <keith.gibson@littletonjoyce.com>; Gulliver, Colleen Carey <colleen.gulliver@us.dlapiper.com>; Kelso, Bryan V LTC USARMY PEO SOLDIER (USA) <bryan.v.kelso.mil@army.mil>; Bielamowicz, Cheryl M CIV USARMY PEO SOLDIER (USA) <cheryl.m.bielamowicz.civ@army.mil>

Subject: RE: W15QKN-17-D-0016, Modular Handgun System, Request to Release Approved Engineering Change Proposals (ECP's)

[External Message]

Good Morning Mr. Finkelman,

I've emailed our legal office this morning on your inquiry below. The gentlemen who I emailed are out of the office today. Please let me know if our answer to your email can be provided to you on Monday, 21 July.

Thanks,
Thomas Vass
APM - PM Soldier Weapons
Picatinny, NJ 07806-5000
Comm: (520) 725-9585
Cell: (862) 251-0805

From: Eric Finkelman <Eric.Finkelman@sigsauer.com>

Sent: Thursday, July 17, 2025 4:32 PM

To: Vass, Thomas CIV USARMY PEO SOLDIER (USA) <thomas.vass.civ@army.mil>; James Lano <James.Lano@sigsauer.com>

Cc: Katelyn Wilson <Katelyn.Wilson@sigsauer.com>; Keith Gibson <keith.gibson@littletonjoyce.com>; Gulliver, Colleen Carey

<colleen.gulliver@us.dlapiper.com>

Subject: RE: W15QKN-17-D-0016, Modular Handgun System, Request to Release Approved Engineering Change Proposals (ECP's)

SIG SAUER - Confidential

Hello Thomas,

A similar question has just arisen in another matter, where a member of the press is seeking to intervene in an action against Sig Sauer in Missouri federal court, seeking access to document under seal. One of these documents is the FMECA submitted by Sig Sauer, which is covered by Distribution Statement D. Would the Army's position be the same here, and would it be opposed to the public release of this document. Sig Sauer intends to oppose the release of any sensitive documents that are currently under seal, and knowing the Army's position with respect to the release of this document would be helpful.

Thanks, and best regards,

Eric

Eric R. Finkelman

Assistant General Counsel--Litigation

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M: +1 (914) 316-8578

Eric.Finkelman@sigsauer.com

<image001.jpg>

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